

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DIGISOUND-WIE, INC.,	)	
	)	
Plaintiff,	)	Case No: 07 C 6535
	)	
v.	)	
	)	Judge George W. Lindberg
BESTAR TECHNOLOGIES, INC., DIRK DE	)	
YOUNG, HELENE DE YOUNG, FLORIAN	)	Magistrate Judge Michael T. Mason
GREILING and LILLI GREILING,	)	
	)	
Defendants.	)	

**DEFENDANTS BESTAR TECHNOLOGIES, INC.'S, DIRK DE YOUNG'S  
AND HELENE DE YOUNG'S MOTION TO STRIKE PLAINTIFF'S  
DISCOVERY REQUESTS AND TO STAY DISCOVERY**

Defendants BESTAR TECHNOLOGIES, INC., DIRK DE YOUNG and HELENE DE YOUNG (collectively referred to herein as "Defendants"), by and through their counsel, Tressler, Soderstrom, Maloney & Priess, LLP, move this Court to strike Plaintiff Digisound-WIE, Inc.'s ("Plaintiff's") discovery requests and to enter a ruling staying discovery. In support hereof, Defendants state the following:

1. On November 16, 2007, Plaintiff Digisound-WIE, Inc. filed its Complaint against Defendants BeStar Technologies, Inc. ("BeStar"), Dirk de Young ("D.DeYoung") and Helene de Young ("H.DeYoung") and two other defendants, Florian Greiling and Lilli Greiling.<sup>1</sup> The Complaint alleges claims for: (1) breach of contract ("Count I"), (2) breach of fiduciary duty ("Count II"), (3) common-law trade secret misappropriation ("Count III"), (4) violation of the federal Computer Fraud and Abuse Act ("Count IV"), (5) violation of the federal Lanham Act ("Count V"), (6) tortious interference with business ("Count VI"), (7) tortious interference with business expectancy ("Count VII") and (8) civil conspiracy ("Count VIII").

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<sup>1</sup> On December 13, 2007, Defendants BeStar, D.DeYoung and H.DeYoung filed a motion to dismiss Counts II through VIII.

2. On November 23, 2007, Defendants BeStar, D.DeYoung and H.DeYoung were served with Summons and the Complaint. On information and belief, Plaintiff has not yet served Defendants Florian Greling and Lilli Greiling with Summons and the Complaint.

3. On December 19, 2007, counsel for Plaintiff and Defendants BeStar, D.DeYoung and H.DeYoung appeared before the Court on status. Plaintiff's counsel advised the Court that the Greilings had not yet been served and that he was undertaking efforts to serve them in Germany. The Court did not order the parties to confer pursuant to Fed. R. Civ. P. 26(f). The Court continued this matter for status on January 23, 2008 at 9:30am.

4. Later that day on December 19th, Plaintiff's counsel served written production requests upon Defendants BeStar, D.DeYoung and H.DeYoung. (See Plaintiff's First Set of Production Requests attached hereto as Exhibit "A".) Plaintiff's counsel also attempted to serve a third party with a subpoena for the production of documents. (See Plaintiff's subpoena to CC Electro Sales, Inc. attached hereto as Exhibit "B".)

5. On December 21, 2007, defense counsel sent Plaintiff's counsel a letter stating that Plaintiff's discovery requests to the defendants and to third parties were improper and should be withdrawn since the Court had not issued an order permitting the parties to by-pass the requirement of a Rule 26(f) conference prior to the parties initiating discovery. (See December 21, 2007 letter from defense counsel to Plaintiff's counsel attached hereto as Exhibit "C".) Plaintiff's counsel refused to withdraw the requests, necessitating the filing of this Motion.

6. In order to promote efficiency and to avoid duplication, Defendants move the Court to strike Plaintiff's discovery requests to Defendants and to any and all other parties Plaintiff may have served requests. Defendants further move the Court to stay discovery until Plaintiff has served all other defendants in this matter and the parties have had the opportunity to

engage in a Rule 26(f) conference. Pursuant to the federal rules, discovery is not to be initiated or sought from any source until a Rule 26(f) conference has taken place. Fed. R. Civ. P. 26(d).

WHEREFORE, Defendants BESTAR TECHNOLOGIES, INC., DIRK DE YOUNG and HELENE DE YOUNG respectfully request that this Court enter an Order striking Plaintiff's discovery requests and staying discovery until all of the defendants have been served with Summons and the Complaint and the parties have held a Rule 26(f) conference.

Dated: This 27th day of December, 2007.

Respectfully Submitted,

BESTAR TECHNOLOGIES, INC., DIRK DE  
YOUNG and HELENE DE YOUNG

By: /s/ Charmagne Topacio  
One of Their Attorneys

Daniel R. Formeller  
James K. Borcia  
Charmagne Topacio  
Tressler, Soderstrom, Maloney & Priess, LLP  
233 South Wacker Drive, 22nd Floor  
Chicago, IL 60606-6308  
Tel.: (312) 627-4000

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